

OCT 22 2007
PATENT**DORSEY & WHITNEY LLP**US BANK CENTRE
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SEATTLE WA 98101FACSIMILE COVER SHEET
(206) 903-8820

October 22, 2007

TO: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450FAX # (571) 273-8300
TELEPHONE: (571) 272-2682

FROM: Jennifer M. Lane

TELEPHONE : (206) 903-8800 Main; (206) 903-8836 Direct

Applicants : Eric B. Cummings et al.

Attorney Docket No.: 33532/US

Serial No. : 10/760,139

Group Art Unit : 1753

Filed : January 16, 2004

Examiner : Surekha Vathiyam

Title : DIELECTROPHORESIS DEVICE AND METHOD HAVING NON-UNIFORM
ARRAYS FOR MANIPULATING PARTICLES

Date Sent : October 22, 2007

Date Due

: November 3, 2007

Documents Attached for Filing:

	<u>No. Pages</u>
Fee Transmittal Sheet (+ copy)	2
Response Under 37 CFR 1.116	13
Annotated Drawing Sheet Showing Changes (Fig 3)	1
Replacement Drawing Sheets (Figs 1-4d)	4
Exhibits 1-6	35
<u>Total Number of Pages</u> (including cover sheet):	56

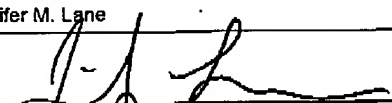
Original will not be sent

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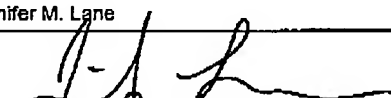
FEE TRANSMITTAL SHEET (FY 2008)		<i>Complete If Known</i>	
		Application No.	10/760,139
		Filing Date	January 16, 2004
		First Inventor	Eric B. Cummings
		Group Art Unit	1753
		Examiner Name	Surekha Vathyam
<input type="checkbox"/> Applicant claims small entity status (see 37 C.F.R. 1.27)		Atty. Docket Number	33532/US
METHOD OF PAYMENT (Check One)		FEE CALCULATION (Continued)	
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No. 50-1266; Deposit Account Name: DORSEY & WHITNEY LLP.		3. ADDITIONAL FEES	
<input checked="" type="checkbox"/> Check Enclosed.			
Extra Claim Fees			
Current Claims	Prior	Extra	Fee
Total 11	21	0	\$ 50
Ind. 3	3	0	\$ 200
Multiple Dependent Claims			\$
Subtotal (Extra Claims)			\$ 0
Petition Fee Under 37 CFR 1.17(f), (g), & (h)			
Enclosed is a Petition filed under 37 CFR as indicated below:			
<input type="checkbox"/> Petition Fee under 37 CFR 1.17(f) Fee \$400			
§ 1.53(e)	to accord a filing date.		
§ 1.57(e)	to accord a filing date.		
§ 1.182	for decision on a question not provided for.		
§ 1.183	to suspend the rules.		
§ 1.378(e)	for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.		
§ 1.174(b)	to accord a filing date to an application under §1.740 for extension of patent term.		
<input type="checkbox"/> Petition Fee under 37 CFR 1.17(g) Fee \$200			
§ 1.12	for access to an assignment record.		
§ 1.14	for access to an application.		
§ 1.47	for filing by other than all inventors or person not the inventor.		
§ 1.59	for expungement of information.		
§ 1.103(a)	to suspend action in an application.		
§ 1.136(b)	for review of a request for ext. of time when §1.136(a) not avail.		
§ 1.265	for review of refusal to publish a statutory invention registration.		
§ 1.266	to withdraw a req. for pub. after notice of intent to publish issued.		
§ 1.377	for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.		
§ 1.550(c)	for request for ext. of time in <i>ex parte</i> reexam. proceedings.		
§ 1.956	for request for ext. of time in <i>ex parte</i> reexam. proceedings.		
§ 5.12	for expedited handling of foreign filing license.		
§ 5.15	for changing the scope of a license.		
§ 1.5.25	for retroactive license.		
<input type="checkbox"/> Petition Fee under 37 CFR 1.17(h) Fee \$130			
§ 1.19(g)	to request documents in a form other than provided in this part.		
§ 1.84	for accepting color drawings or photographs.		
§ 1.91	for entry of a model or exhibit.		
§ 1.102(d)	to make an application special.		
§ 1.136(c)	to expressly abandon an application to avoid publication.		
§ 1.313	to withdraw an application from issue.		
§ 1.314	to defer issuance of a patent.		
		Large Entity Fee	Small Entity Fee
		50	25
		130	65
		180	180
		40	40
		120	60
		460	230
		1,050	525
		1,640	820
		2,230	1,115
		810	405
		510	255
		510	255
		1,030	515
		130	65
		820	410
		810	405
		130	
		510	255
		1,540	770
		200	
		400	
		1,120	
		OTHER FEE (specify)	
		Subtotal (Additional Fees)	
		Total Amount of Payment:	
		\$0	
Submitted by:			
CUSTOMER NUMBER		DORSEY & WHITNEY LLP	
27,076		1420 Fifth Avenue, Suite 3400 Seattle, WA 98101-4010 (206) 903-8800 phone / (206) 903-8820 fax	
Name: Jennifer M. Lane		Reg. No.: 51,916	
Signature: 		Date: 10/22/07	

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OCT 22 2007

FEE TRANSMITTAL SHEET (FY 2008)		<i>Complete if Known</i>																																																																																																								
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		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee</th> <th>Small Entity Fee</th> <th>Fee Description</th> <th>Fee paid</th> </tr> </thead> <tbody> <tr> <td>60</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td>\$</td> </tr> <tr> <td>130</td> <td>65</td> <td>Surcharge - Late nonprovisional filing fee or oath</td> <td>\$</td> </tr> <tr> <td>180</td> <td>180</td> <td>Submission of IDS</td> <td>\$</td> </tr> <tr> <td>40</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>\$</td> </tr> <tr> <td>120</td> <td>60</td> <td>Extension for reply within first month</td> <td>\$</td> </tr> <tr> <td>460</td> <td>230</td> <td>Extension for reply within second month</td> <td>\$</td> </tr> <tr> <td>1,050</td> <td>525</td> <td>Extension for reply within third month</td> <td>\$</td> </tr> <tr> <td>1,640</td> <td>820</td> <td>Extension for reply within fourth month</td> <td>\$</td> </tr> <tr> <td>2,230</td> <td>1,115</td> <td>Extension for reply within fifth month</td> <td>\$</td> </tr> <tr> <td>810</td> <td>405</td> <td>Submission After Final 1.129</td> <td>\$</td> </tr> <tr> <td>510</td> <td>255</td> <td>Notice of Appeal</td> <td>\$</td> </tr> <tr> <td>510</td> <td>255</td> <td>Filing a brief in support of an appeal</td> <td>\$</td> </tr> <tr> <td>1,030</td> <td>515</td> <td>Request for oral hearing</td> <td>\$</td> </tr> <tr> <td>130</td> <td>65</td> <td>Terminal Disclaimer Fee</td> <td>\$</td> </tr> <tr> <td>820</td> <td>410</td> <td>Design Issue Fee</td> <td>\$</td> </tr> <tr> <td>810</td> <td>405</td> <td>Request for Continued Examination (RCE)</td> <td>\$</td> </tr> <tr> <td>130</td> <td></td> <td>Request for voluntary publication or republication</td> <td>\$</td> </tr> <tr> <td>510</td> <td>255</td> <td>Petition to Revive - unavoidable</td> <td>\$</td> </tr> <tr> <td>1,540</td> <td>770</td> <td>Petition to Revive - unintentional</td> <td>\$</td> </tr> <tr> <td>200</td> <td></td> <td>Filing for patent term adjustment</td> <td>\$</td> </tr> <tr> <td>400</td> <td></td> <td>Request for reinstatement of term reduced</td> <td>\$</td> </tr> <tr> <td>1,120</td> <td></td> <td>Extension of term of patent</td> <td>\$</td> </tr> <tr> <td colspan="2">OTHER FEE (specify)</td> <td></td> <td>\$</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Subtotal (Additional Fees)</td> <td>\$0</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Total Amount of Payment:</td> <td>\$0</td> </tr> </tbody> </table>	Large Entity Fee	Small Entity Fee	Fee Description	Fee paid	60	25	Surcharge - late provisional filing fee or cover sheet	\$	130	65	Surcharge - Late nonprovisional filing fee or oath	\$	180	180	Submission of IDS	\$	40	40	Recording each patent assignment per property (times number of properties)	\$	120	60	Extension for reply within first month	\$	460	230	Extension for reply within second month	\$	1,050	525	Extension for reply within third month	\$	1,640	820	Extension for reply within fourth month	\$	2,230	1,115	Extension for reply within fifth month	\$	810	405	Submission After Final 1.129	\$	510	255	Notice of Appeal	\$	510	255	Filing a brief in support of an appeal	\$	1,030	515	Request for oral hearing	\$	130	65	Terminal Disclaimer Fee	\$	820	410	Design Issue Fee	\$	810	405	Request for Continued Examination (RCE)	\$	130		Request for voluntary publication or republication	\$	510	255	Petition to Revive - unavoidable	\$	1,540	770	Petition to Revive - unintentional	\$	200		Filing for patent term adjustment	\$	400		Request for reinstatement of term reduced	\$	1,120		Extension of term of patent	\$	OTHER FEE (specify)			\$			Subtotal (Additional Fees)	\$0			Total Amount of Payment:	\$0
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Submitted by:																																																																																																										
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Signature: 		Date: 10/22/07																																																																																																								

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RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE - EXAMINING GROUP 1700

PATENT

I hereby certify that on the date specified below, this correspondence is being transmitted via facsimile to the Commissioner for Patents, facsimile number (571) 273-8300.

October 22, 2003
Date

Phoebe E. Pogson
Phoebe E. Pogson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/760,139	Confirmation No. : 7218
Applicants : Eric B. Cummings, Yolanda Fintschenko, Blake Simmons	
Filed : January 16, 2004	Attorney Docket No.: 33532/US
Art Unit : 1753	Customer No. : 27,076
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Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. § 1.116

Sir:

Applicants acknowledge receipt of the Office Action dated July 3, 2007. Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Drawings begin on page 5 of this paper and include both attached replacement sheets and an annotated sheet showing changes.

Remarks begin on page 6 of this paper.